

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Mangold
Serial No. : 09/982,757 Confirmation No.: 8438
Filed : October 18, 2001

REMARKS**1. Amendment**

In the Office Action mailed November 14, 2003, the Examiner states that the amendment filed 8/25/2003 under 37 CFR 1.111 has been entered; claims 1-14 are pending in the application.

2. Substitute Specification - Not Entered

The Examiner states that the substitute specification filed 8/25/2003 has not been entered because it does not conform to 37 CFR 1.125(b). The Examiner states that no clean copy of the substitute specification was provided and that a statement that the substitute specification contains no new matter was not provided. Applicant herewith submits a clean copy of the substitute specification and states that the substitute specification contains no new matter.

3. Specification Objections - Abstract

The Examiner objects to the content of the Abstract because it fails to provide a concise statement of the structural features of the invention and includes statements of purported merits of the invention. Applicant submits herewith a new Abstract which provides a concise statement of the technical disclosure and includes that which is new to the art.

4.-5. Claim Rejections - 35 USC §112

The Examiner states that claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant cancels claim 10 herein.

6.-7. Claim Rejections - 35 USC §102

The Examiner rejects claims 1-4 and 10 under 35 U.S.C. 102(b) as being anticipated by Fritschi et al., U.S. Patent No. 5,344,179. Applicant herein cancels claims 2-4 and 10. Claim 1 is amended to include the allowable subject matter of claim 9 (see 10. below), and to correct a clerical error, that is, claim 1 is amended to claim that the holding device is secured on the guide apparatus, not on the ski or snowboard itself. Support for this amendment can be found in the substitute specification in paragraph 0013, which states "... holding device ... [is] *secured* ... with a form-fitting connection *on a guide rail*" (emphasis added). No new matter has been added.

8. Claim Rejections - 35 USC §102

The Examiner rejects claim 5 under 35 U.S.C. 102(b) as being anticipated by Fritschi et al., U.S. Patent No. 5,344,179. Applicant herein amends claim 5 to include the allowable subject matter of claim 6 (see 10. below), and to correct a clerical error, that is, claim 5 is amended to claim that the holding device is secured on the guide apparatus, not on the ski or snowboard itself. Support for this amendment can be found in the substitute specification in paragraph 0013 (see 6.-7. above). No new matter has been added.

9. Claim Rejections - 35 USC §102

The Examiner rejects claim 13 under 35 U.S.C. 102(b) as being anticipated by Fritschi et al., U.S. Patent No. 5,344,179. Applicant herein amends claim 13 to include the allowable subject matter of claim 14 (see 10. below). No new matter has been added.

10. Allowable Subject Matter

The Examiner objects to claims 6-9, 11-12 and 14 as being dependent upon a rejected base claim, but states that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant herein amends claim 5

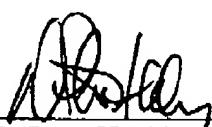
to include all of the limitations of claim 6 (see 8. above), and cancels claim 6. Applicant herein amends claim 7 to depend from amended claim 5, and notes that claim 8 depends from amended claim 5.

In addition, applicant amends claim 1 to include all of the limitations of claim 9 (see 6.-7. above), and cancels claim 9. Claim 11 depends from claim 8, and claim 12 is amended to depend from claim 1 instead of from canceled claim 9. Also, applicant amends claim 13 to include all of the limitations of claim 14 (see 9. above), and cancels claim 14.

Conclusion

It is respectfully submitted that the application is now in condition for allowance, and such action is requested. All amendments are made to comply with formal requirements presented in the Office Action. No new matter has been added. The Examiner is invited to telephone the undersigned if there are any matters which could be discussed to expedite the prosecution of the above-identified application.

Respectfully submitted,

By: 

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